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C O N F I D E N T I A L QUITO 000582

SIPDIS

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TAGS: [PGOV](#) [EC](#)
SUBJECT: ASSEMBLY PICKS UP PACE AS DIVISIONS WITHIN PAIS
WIDEN

REF: QUITO 567

Classified By: DCM Jefferson Brown for reasons 1.4 (b) and (d)

¶1. (SBU) Summary: The new President of the assembly, Fernando Cordero, appears determined to meet the July 26 deadline mandated by the Constituent Assembly statute. From June 24-26 the assembly approved a record 37 articles. Opposition members remain disgruntled because they consider Cordero's style to be undemocratic (ref A). The electoral calendar remains unclear but the campaign for the referendum has effectively already started. (End of summary).

THE NEW LEADERSHIP AND THE OPPOSITION'S DISCONTENT

¶2. (U) Following the resignation of Alberto Acosta (Proud and Sovereign Fatherland Movement or PAIS) as President of the Assembly on June 23 (ref A), Fernando Cordero (PAIS) was elected president of the assembly on June 25. His election was widely criticized by opposition members who argued that he would have the assembly approve articles in bulk with little discussion in order to meet the July 26 deadline.

¶3. (U) Aminta Buenano (PAIS), was elected First Vice President with Leonardo Viteri (Social Christian Party - PSC) finishing second. The rules for the internal governing of the assembly do not include specific language on filling permanent vice presidential vacancies. Article 9 of the Assembly statute says that the second vice presidency is to be assigned to the runner up in the election for first vice president. The opposition interpreted the statute to mean that Viteri had been elected to the second vice presidency. However, Assembly President Cordero called for a vote on the second vice president, which was won by Cesar Rodriguez (PAIS). Cordero's decision infuriated opposition members, who denounced Cordero. On June 27, the assembly's communications office issued a highly partisan message criticizing the opposition, noting that "the constituent assembly has once again been a victim of the old political parties."

¶4. (U) On June 25, Cordero met with the leaders of all parties represented in the Assembly to discuss the remaining Assembly schedule. The leaders of PSP, PSC, and PRIAN -- the three largest opposition blocs -- chose not to attend. Leaders who did attend agreed to discuss different proposals with the members of their political parties in the plenary.

¶5. (U) Opposition members resorted to symbolic measures to express their discontent with the new PAIS leadership. On June 26, some opposition assembly members wore black attire to honor "the death of democracy." On June 27, assembly members Rafael Estevez (ex Patriotic Society Party - PSP) and Andres Pavon (Institutional Renewal Action Party - PRIAN) sewed several stitches with a needle across their lips,

drawing blood, to symbolize that the new plenary leadership violated their right to speech.

PROGRESS ON THE CONSTITUTION

¶6. (U) In three days (June 24-26), the assembly approved 37 articles, upping the total approved thus far from 57 to 94 .

As of June 29, there were 71 articles ready for final vote, 128 ready for a second plenary debate, and 171 which have not reached the first plenary debate. Three committees are still working on the first drafts of 60 articles.

¶7. (U) On June 24, the plenary approved 24 articles on social organization and participation in democracy, one on civil rights, one on due process and general justice matters, and seven on political rights. On June 26, 4 articles on the property regime were approved. Highlights included:

--on social organization and participation: assembly members introduced the notion of the "empty chair", which provides a position within local governments for a non-voting citizen's representative citizenry to express options and advocate on behalf of the local population. Article six creates citizen participation at all levels of government through observatories, oversight committees, popular councils, etc. This article establishes the possibility of removing the president by popular recall. All elected office-holders may only be reelected once. The use of state resources and facilities during electoral campaign was prohibited, "as well as governmental publicity at all levels." A transitory disposition determined that all political parties and movements must re-register. Changes to the constitution can

be made by popular referendum. Eight percent of all registered voters must petition to put such a referendum before the general electorate.

--on civil and social rights: the text approved by the plenary kept the wording of the 1998 constitution on the right to life, which established the inviolability of life, without specifically making abortion illegal. However, it failed to state that life begins at conception, as President Correa assured supporters in the past. In comparison with the current constitution, new items were included, such as the right to access to nutritious food with a priority given to locally produced products, sexual rights for women, and the prohibition of trafficking in persons.

--on due process and justice: the approved texts expanded the 1998 constitution, including a more detailed definition of the right to defense, a stipulation that the corresponding embassy must be notified about the detention of foreigners, ordering judges to give priority to other cautionary measures before sentencing individuals to detention, eliminating any statute of limitations on charges of sexual exploitation, rape, trafficking in persons and murder of children, and establishing a system to protect and assist victims, witnesses, and participants in the prosecutorial process.

--on political rights: optional suffrage was granted to citizens from 16 to 18 years of age, to Ecuadorians living abroad, to members of the Police and the Armed Forces, and to detainees without sentence.

--on the property regime: seven types of property are recognized and guaranteed (public, private, communal, state, associative, cooperative, and mixed). The article on intellectual property prohibits the appropriation of collective knowledge and genetic resources from the country's "biodiversity".

OTHER BUSINESS

¶8. (U) On June 10, the plenary passed several measures to speed up the process of writing up the reports for second

debate and allowed for changes in the agenda up to one hour before the plenary meeting. On June 13, the assembly appointed Pedro Solines Chacon as the provisional Superintendent of Companies. On June 25, the plenary passed a resolution condemning the European Parliament's June 18 resolution on migration , calling it a "criminalizing discriminatory and xenophobic measure."

THE CHALLENGES AHEAD

¶9. (SBU) The Constituent Assembly statute states that the referendum on the new constitution has to be approved by 50 percent plus one of all votes cast, which includes annulled and blank votes. According to the June opinion poll conducted by Informe Confidencial, Inc. only 37% of respondents said that they had already decided to cast a yes vote on the constitution that is being written in Montecristi. (Note: The Informe Constitutional poll was taken before Acosta's resignation, but published afterwards.)

¶10. (U) In addition to any fallout from the Acosta resignation, PAIS assembly members continue to disagree on specific constitutional matters. On June 27, PAIS assembly member Tatiana Hidrovo decided to temporarily relinquish the presidency of the Territorial Organization Committee in order to be able to freely support a thesis that PAIS opposed. On June 6, PAIS assembly members Chuji and Panchana generated a controversy in the biodiversity committee over the right to water, on which the assembly's governing committee member Martha Roldos (RED) had to intervene.

¶11. (C) President Correa remains obsessed with delivering results quickly. The government's advertisements on television - which broadcast the governments achievements - are being broadcast with greater frequency. In his weekly radio addresses Correa frequently criticizes his staff for not producing results at the pace of the "citizen revolution." Minister of Transportation and Public Works Jorge Marun told embassy officers that Correa's pressure was so intense and so public that it encouraged everyone else to make demands to him.

¶12. (SBU) The Correa administration in general remains preoccupied with surveys. In his June 17 radio address, Correa harshly criticized the polling company Cedatos) which often produces polling results unfavorable to the government) and suggested assembly members adopt new legislation to regulate pollsters. Curiously, on June 24 Ecuador's Revenue Services closed Cedatos for 10 days.

DATE FOR GENERAL ELECTIONS STILL UNCLEAR

¶13. (SBU) The Supreme Electoral Tribunal's (TSE) National Director of Training Programs, Hector Galarza, told poloff that it would not be possible for the Supreme Electoral Tribunal to organize the referendum before September 28. According to Galarza, the much-awaited mandate on elections will only establish deadlines for the referendum. In his view, the electoral mandate will determine that the 45-day deadline included in the statute for the constituent assembly will be effective approximately 15 days after the approval of the constitution in the final plenary session.

¶14. (C) If the constitution is approved by referendum, the organization of general elections will be a hard and lengthy task. All political parties would have to re-register to participate in the general election. Under the current legislation, that would require a major effort for parties to obtain signatures and fill out membership cards. Gustavo Tamariz, TSE Director of Political Organizations told poloff that such a process could take eight months, although Correa seems intent on holding the election as early in 2009 as possible.

¶15. (U) While the referendum campaign has not yet started officially, President Correa has repeatedly called upon Ecuadorians to support the constitution and to support change, and Lucio Gutierrez, leader of the PSP, has campaigned for a no vote. Both of them received warnings from the TSE.

COMMENT

¶16. (C) Though PAIS disagreements have captured media attention in recent weeks, the shock of Acosta's resignation and the fallout from his decision continue to frame the discussion of the Constituent Assembly's work among the chattering class. Both Correa and Acosta have toughened their comments in recent days, suggesting that their political differences may be more profound than initially thought. The latest surveys on the constitutional referendum suggest that the Correa administration will have to work harder than they once expected to achieve a "yes" vote for the constitution. It remains to be seen the extent to which tensions within the PAIS bloc may persist in weeks and months ahead, and whether hastily crafted constitutional clauses will result in ill-considered texts that the "no" vote forces will be able to exploit.

Jewell